



Signed and Filed: June 6, 2022

A handwritten signature in black ink, appearing to read "Hannah L. Blumenstiel", is written over a horizontal line.

HANNAH L. BLUMENSTIEL
U.S. Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

In re:)	Case No. 19-31024 HLB
)	
RICHARD TOM,)	Chapter 7
)	
Debtor.)	
)	
MARK NG, KENDALL NG, and)	
LORAIN WONG,)	Adv. Proc. No. 19-3065 HLB
)	
Plaintiffs,)	
v.)	
)	
RICHARD TOM,)	
)	
Defendant.)	

SIXTH ORDER REGARDING DISCOVERY DISPUTE

On or about May 20, 2022, the court received correspondence from counsel for Plaintiffs Mark Ng, Kendall Ng, and Loraine Wong, requesting the court's assistance with yet another discovery dispute in accordance with Paragraph D of the court's Practices & Procedures. Plaintiffs complained that they have been unable to complete the deposition of third party Kenesha Fudge, as Trustee of the Moon Irrevocable Trust; that Ms. Fudge has failed to produce documents called for by Plaintiffs' subpoena; and that Ms. Fudge reneged on her agreement to appear for a continued deposition. Plaintiffs asked the court to order

1 Ms. Fudge to appear for a continued deposition and to produce all
2 documents within her custody or control responsive to Plaintiffs'
3 subpoena. Specifically, Plaintiffs asked the court to order Ms.
4 Fudge to produce all communications between her and Defendant
5 Richard Tom, Louis Hop Lee, Justin Tom, Garrett Tom, Ryland Tom,
6 and Winnie Jiang.

7 After reviewing Plaintiffs' counsel's May 20 Letter, the
8 court communicated with all relevant parties via email and set a
9 deadline of 12:00 p.m. on June 6, 2022 as that by which Ms. Fudge
10 or any other interested party should respond to Plaintiffs'
11 counsel's May 20 Letter. The court has not received any
12 responses, and therefore deems Ms. Fudge, Mr. Tom, and any other
13 interested party unopposed to the relief sought by Plaintiffs.

14 Accordingly, the court **ORDERS** as follows:

15 **1.** The court hereby **ORDERS** Ms. Kenesha Fudge to appear in
16 her capacity as Trustee for the Moon Irrevocable Trust for a
17 continued deposition. Such continued deposition shall take place
18 on a mutually agreeable date no later than June 30, 2022 and
19 shall convene via Zoom.

20 **2.** No later than **June 17, 2022**, Ms. Fudge shall produce to
21 Plaintiffs' counsel any and all communications in her possession
22 or control between Ms. Fudge and Richard Tom, Louis Hop Lee,
23 Justin Tom, Garrett Tom, Ryland Tom, and Winnie Jiang. The term
24 "communications" shall have the meaning ascribed to it in
25 Plaintiffs' subpoena.

26 **3.** No later than **June 17, 2022**, Ms. Fudge shall produce to
27 Plaintiffs' counsel any and all documents in her possession or
28 control that are responsive to Plaintiffs' subpoena.

1 **4.** Failure to timely comply with this order may result in
2 the imposition of sanctions.

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4 ****END OF ORDER****
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